

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1542 Session of
2005

INTRODUCED BY CAWLEY, DONATUCCI, LEDERER, PISTELLA, LaGROTTA,
CALTAGIRONE, KOTIK, GEIST, SCAVELLO AND WANSACZ, MAY 9, 2005

REFERRED TO COMMITTEE ON JUDICIARY, MAY 9, 2005

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, prohibiting tobacco possession and use
3 by minors.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Sections 6306.1(a), (b) and (d) of Title 18 of
7 the Pennsylvania Consolidated Statutes are amended to read:

8 § 6306.1. Use or possession of tobacco [in schools] by minors
9 prohibited.

10 (a) Offense defined.--A [pupil] minor under 18 years of age
11 who possesses or uses tobacco [in a school building, a school
12 bus or on school property owned by, leased by or under the
13 control of a school district] commits a summary offense.

14 (b) Grading.--A [pupil] minor who commits an offense under
15 this section [shall be subject to prosecution initiated by the
16 local school district and] shall, upon conviction, be sentenced
17 to pay a fine of not more than [\$50 for the benefit of the
18 school district in which such offending pupil resides] \$100 and

1 to pay court costs. [When a pupil is charged with violating
2 subsection (a), the] The court may admit the offender to an
3 adjudication alternative as authorized under 42 Pa.C.S. § 1520
4 (relating to adjudication alternative program) in lieu of
5 imposing the fine.

6 * * *

7 (d) Definitions.--As used in this section, the [following
8 words and phrases shall have the meanings given to them in this
9 subsection:

10 "Pupil." A person between the ages of 6 and 21 years who is
11 enrolled in school.

12 "School." A school operated by a joint board, board of
13 directors or school board where pupils are enrolled in
14 compliance with Article XIII of the act of March 10, 1949
15 (P.L.30, No.14), known as the Public School Code of 1949,
16 including area vocational schools and intermediate units.

17 "Tobacco." A] term "tobacco" means a lighted or unlighted
18 cigarette, cigar, pipe or other lighted smoking product and
19 smokeless tobacco in any form.

20 Section 2. This act shall take effect in 60 days.